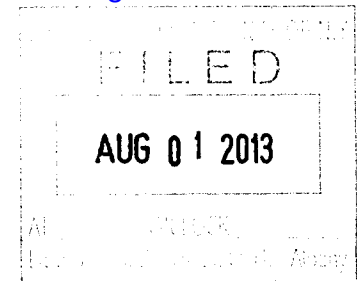


UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK



Kenneth J. Ivey
Plaintiff. Sui Juris

VS.

U.S. Department of Justice
Executive Office for U.S. Attorneys

Defendants

COMPLAINT
CIVIL ACTION No. 7:13-cv-917
(MAD/TWD)

I. NATURE OF ACTION

1. This is an action under the FREEDOM OF INFORMATION ACT Title 5 United States Code Sec. 552, The PRIVACY ACT. Title 5 United States Code 552a(d)(1) and ADMINISTRATIVE PROCEDURE ACT. This action seeks an order declaring that the Department of Justice Executive Office for U.S. Attorneys, acted illegally by failing to respond, providing reasonable explanation or exemption for the withholding of records and/or inform plaintiff of any and such delay in accordance with Title 5 United States Code Sec. 552(a)(6)(B)(i),(ii), and/or full disclosure and release of all records and/or data contained in the files of such Department and/or agency under the Plaintiff/Requestor name and/or Identifier to Plaintiff/Requestor name. And/or injunctive or other appropriate relief from the defendant, United States Department of Justice Executive Office for U.S. Attorneys.

II. JURISDICTION AND VENUE

2. This court has jurisdiction over this action Pursuant to Title 5 United States Code Sec. 552(a)(4)(B).
3. This court also has jurisdiction over this action Pursuant to Title 28 United States Code Sec. 1331 and Title 5 United States Code Sec. 701 et. seq.
4. Venue lies in this district under Title 5 United States Code Sec. 552(a)(4)(B).

III. PLAINTIFF

5. Plaintiff, Kenneth J. Ivey, Lives within myself and currently resides at C/O Watertown Correctional Facility, P.O. Box 168, Watertown, New York 13601 and is a citizen of the United States Of America and the subject of the records requested of the defendant.

IV. DEFENDANT(S)

6. Defendant(s), Department of Justice Executive Office for U.S. Attorneys, is an agency within the meaning of Title 5 United States Code Sec. 552(f).

7. Defendant(s) D.O.J., Executive Office for U.S. Attorneys, are defendant(s) responsible whom received plaintiffs FOIA/PA request upon receipt of the Justice Management Division Mail Referral Unit, (via) Certified Mail Number 7008 1300 0000 6204 1367, and who upon such responsibility is responsible for compliance with the laws of the United States and regulations promulgated under such laws, including the laws and regulations at issue in this case.

V. PLAINTIFF'S FOIA REQUEST

8. By means of FOIA/PA request letter to defendant(s) U.S. Department of Justice, Justice Management Division Mail Referral Unit, dated 8th day of May, 2013, Plaintiff requested under the FOIA/PA, for full disclosure and release of all records and/or data contained in the files of the Department of Justice and/or agency(s), under the Plaintiffs name and/or identifier to Plaintiffs name. (1) Criminal case bonding information, (2) Commercial bond certification (3) Noted criminal case bonding and/or the bond(s) which secured the financing and/or pledge for the financing of the criminal case listed above (People of the State of New York V. Kenneth Ivey, Ind. No. 06058/2010), (4) Certified true and correct copies of the bond(s) and identification numbers, (5) Certified indication of the amount secured per bond(s), per each offense, (6) The expiration date and specified interest for the specified length of time of these bond(s), (7) Bid bond(s), (8) Performance Bond(s), (9) Payment bond(s), (10) The reinsurance agreement for a Miller Act Performance Bond, (11) Which governmental body and/or whom or what "person(s)" i.e. Corporations, Companies Associations, Firms, Partnerships, Societies, Joint Stock Companies, Individuals and/or Officers, (a) secured the bond(s), (b) hold the bond(s). (12) any and all records and data concerning the bond(s)

9. By means of a letter and referral/action slip to plaintiff Kenneth J. Ivey date stamped 31st day of May, 2013, Mr. Randy Wilson Assistant Director of Logistics Management Services, Facilities and Administrative Service Staff, Justice Management Division. In receipt of plaintiff FOIA/PA request (via) Certified Mail Number 7008 1300 0000 6204 1367, referred plaintiffs request to the D.O.J. components, in respect of the descriptive information plaintiff requested, most likely to have such records "FOIA/PA Executive Office for U.S. Attorneys, Department of Justice, and the time allowed for Federal agency

in responding to such FOIA/PA request

VI. EXHAUSTION OF LEGAL REMEDIES

10. Plaintiff has exhausted all applicable administrative remedies Pursuant to Title 5 United States Code 552(a)(6)(c)(i).

11. Plaintiff is entitled to the timely production of the documents that are the subject of this FOIA/PA request.

12. Defendants have wrongfully withheld the requested records from plaintiff.

VII. LEGAL CLAIMS

13. Plaintiff repeats and realleges paragraphs. 1-12

14. Defendant unresponsive refusal and/or failure to respond within the specified time in accordance with Title 5 United States Code Sec. 552(a)(6)(B)(i),(ii), is arbitrary, capricious, an abuse of discretion and disregard in accordance with the laws, all in violation of the FREEDOM OF INFORMATION ACT.

15. Based on the above facts and legal obligations, the defendant was required to respond to plaintiffs FOIA/PA request within the 20 business day required by law.

16. On or about the 31st day of May, 2013, defendant received the plaintiffs FOIA/PA request. That triggered the 20 working-day time limit in which the defendant had to respond to the FOIA/PA request under Title 5 United States Code Sec. 552(a)(6)(i) et seq. That time limit expired on the 28th day of June, 2013.

17. Because the defendant has failed to respond to plaintiffs FOIA/PA request they are in violation of FOIA.

VIII. IMPROPER WITHHOLDING OF AGENCY RECORDS

18. Plaintiff repeats and realleges paragraphs 1-17.

19. Based on the above facts and legal obligations, defendant is subject to a duty to provide the records requested by the plaintiff.

20. Plaintiff have requested agency records that must be released under FOIA, but defendant has improperly asserted the privilege of Title 5 United States Code Sec. 552(b) et. seq. For this reason, defendant is in violation of Title 5 United States Code Sec. 552(a)(3).

IX. REQUEST FOR RELIEF

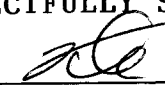
For these reasons, plaintiff respectfully request that this court enter judgment providing the following relief:

1. Declare that defendant U.S. Department of Justice Executive Office for U.S. Attorneys illegally failed to respond to the plaintiffs FOIA/PA request.
2. Declare that the defendant was not justified in its action, and thus improperly withheld agency/personal records from plaintiff.
3. Direct by injunction that the defendant immediately provide the plaintiff with the records he have requested.
4. Grant plaintiff his cost of litigation, including reasonable attorney fees as provided by FOIA, Title 5 United States Code Sec. 552(a)(4)(E) et.seq. and;
5. Provide such other relief as the court deems just and proper.

DATED: 7/26 2013

RESPECTFULLY SUBMITTED,

/s/


Kenneth J. Ivey 12R1817
(Plaintiff, Sui Juris)
Watertown Corr. Facility
P.O. Box 168
Watertown, New York 13601

VERIFICATION

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

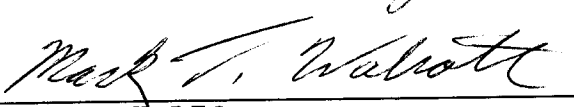
EXECUTED at Watertown Corr. Facility, Watertown NY.

7/26 2013

/s/

SWORN TO BEFORE ME

THIS 26 DAY OF July 2013


NOTARY PUBLIC

MARK THOMAS WALROTH
Notary Public - State of New York
Qual. in Jeff. County No. 01WA6254174
Commission Expires Jan. 17, 2016